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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,909	10/08/2003	Scott Padiak	6570/90566	6362
24628	7590	12/19/2005	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/680,909	Applicant(s) PADIAC ET AL.	
	Examiner Amy J. Sterling	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) 1-23,34-43 and 65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24,25,28-30,33,56 and 69-71 is/are rejected.
- 7) ☒ Claim(s) 26,27,31,32,44-55,57-64 and 66-68 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

This is second non-final for application number 10/680,909 Rotating Sign Mount with Automatic Return, filed on 10/8/03. Claims 1-71 are pending. Claims 1-23, 34-43 and 65 are withdrawn. This Office Action is in response to applicant's reply dated 10/5/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. The action is non-final, claim 28 which was not previously rejected has been rejected.

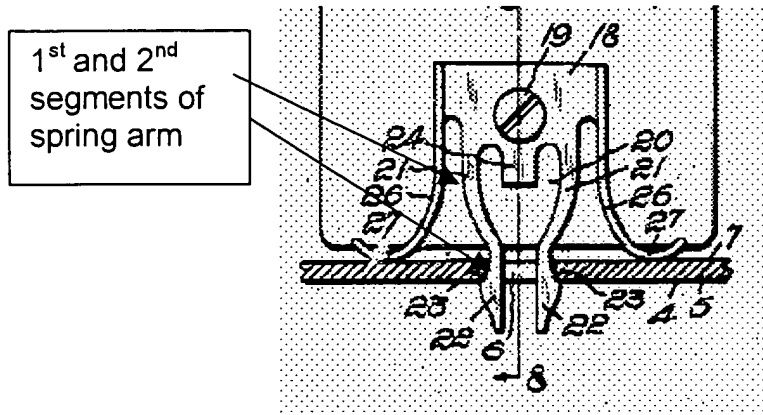
Claim Rejections - 35 USC § 102

Claims 24, 25, 28-30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 2144885 to MacFadden.

The patent to MacFadden discloses a mounting system having a stationary portion (1), a rotating portion (2) connected to the stationary portion, at least two flexible symmetrically opposing spring arms (21) each having a first segment (See Below) having a fixed end coupled with a remainder of the stationary portion, each spring arm having a second segment (See Below), the first and second segments coupled at a bend in the spring arm, and having a notch (23) which are securing engageable in at least two orientations to an edge of an opening in a supporting structure, the spring arms being sufficiently flexible to facilitate disengagement from the supporting structure. MacFadden also discloses that the stationary portion has at last one interior edge defining an opening (near 19) and wherein the spring arm portion of the stationary portion has at least two pair of first and second mounting extensions (26, See Fig. 2 for

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view of top and bottom), each mounting extension being on each spring arm, the extensions facing each other and spaced apart with an outward surface, wherein the outward surface has a lip (27), the lip being securingly engageable to the edge of an opening of the supporting structure and sufficiently flexible to allow disengagement.



Claims 69-71 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4909464 to Levine et al.

The patent to Levine et al. teaches a sign mounting system made of polypropylene (See Col. 4 line 43 for material) having a stationary portion (70), a rotating portion (40), a means (See Col. 2, lines 30-37 for general description of restoring means) for automatically restoring the rotating portion to an initial stable orientation with respect to the stationary portion after the rotating portion is rotated from the initial orientation, a means for mounting (72, 74) the stationary portion to the supporting structure in at least two orientations without separate fasteners.

Claim Rejections - 35 USC § 103

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 2144885 to MacFadden as applied to claim 24 and in view of United States Patent No. 4909464 to Levine et al.

MacFadden does not specifically teach that the material the device is made of is polypropylene.

Levine et al. teaches a mounting device made of polypropylene (See Col. 4 line 43 for material), used for its resilient and strength properties. Therefore it would have been obvious to one of ordinary skill in the art from the teachings of Levine et al. to have made the device of polypropylene in order to have a resilient and strong device.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 26, 27, 31, 32, 44-55, 57-64 and 66-68 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With regards to claims 26 and 27, the reason is that the prior art does not teach wherein the at least two spring arms have a first segment of the first arm spaced apart from the first segment of the second spring arm and the first segment of the first spring arm positioned between the first segment of the second spring arm and the second segment of the first spring arm, the first segment of the second spring arm positioned between the first segment of the first spring arm and the second segment of the second spring arm, the first and second spring arms disengageable from the supporting structure when the first and second spring arms are pushed towards each other.

With regards to claims 31 and 32, the prior art also does not teach wherein the at least one of the two spring arms have at least a pair of first and second mounting extensions.

With regards to claims 44-48, 57-64 and 66-68 the prior art does not teach wherein the rotating portion has one rotating helical sliding surface and at least one stationary sliding surface the surfaces sliding against each other.

With regards to claims 49-55 the prior art does not teach wherein the stationary portion and that the hinges are cascaded.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine

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number for the Technology center is 7571-273-8300 (formal amendments) or 571-273-6823 (informal amendments and communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
12/9/05